REMARKS/ARGUMENTS

The claims are 1, 4, 8 and 10-12. Claim 1 has been amended to improve its form and to incorporate subject matter previously appearing in claims 2, 3 and 5. Accordingly, claims 2, 3 and 5 have been canceled, and claims 4, 8 and 11, which previously depended on claim 2, have been amended to depend on claim 1 as amended. In addition, claims 6, 7 and 9 have been canceled and claims 1, 11 and 12 have been amended to remove reference numerals. Reconsideration is expressly requested.

In the April 1, 2009 Final Office Action, claims 1, 2, 4, 8, 9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by *Van Heerden et al. U.S. Patent Application Publication No. 2003/0160732*. The remaining claims were rejected under 35 U.S.C. 103(a) as being unpatentable over *Van Heerden et al.* alone (claims 3, 5, 6, 7 and 11) or further in view of *Rowson et al. U.S. Patent No. 6,675,461* (claim 10).

In response, Applicant filed an Amendment After Final on July 13, 2009 in which claim 1 was amended to conform to changes made in the corresponding German patent following an opposition

procedure.

In the Advisory Action dated July 28, 2009, the Examiner indicated that the July 13, 2009 Amendment After Final would not be entered because in the Examiner's view such Amendment (1) was not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for the appeal; and (2) did not provide convincing arguments as to why *Van Heerden et al.* did not render claim 1 as amended obvious. According to the Examiner, the process of weaving fabrics is well known, and a meandering line antenna is a well-known modification of a straight line antenna for the purpose of physically shortening the antenna.

Accordingly, Applicant has filed a Request for Continued Examination (RCE) to permit entry of the amendments made in the July 13, 2009 Amendment After Final, which are again being presented in this Preliminary Amendment in RCE and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides a textile material that includes an HF transponder that

includes a circuit module and an antenna linked therewith and set to a working frequency. The antenna is configured as a mechanically shortened E field radiator completely constituted of woven-in electrically conductive thread constructions of the textile material itself that can be processed by machine as part of a customary industrial textile production process. In the production process of weaving, inductances are made to meander, with such meandering being achieved by a continuous electrically conductive weft thread, which between each weft extends parallel to the warp threads along a distance on the respective selvedge, which distance corresponds to the thickness of several weft threads.

None of the cited references discloses or suggests a mechanically shortened meander-shaped E field radiator as an antenna which additionally is formed as a conductive textile thread as recited in claim 1 as amended.

More specifically, in Applicant's textile material as recited in claim 1 as amended, the antenna is a mechanically shortened E-field emitter. In *Van Heerden et al.*, nothing is said about mechanical shortening of the antenna.

In Applicant's textile material as recited in claim 1 as amended, the shortened E-field emitter is brought into resonance with the working frequency by means of inductances. From *Van Heerden et al.*, it is not evident whether or not a shortened E-field emitter is being used. Even if a shortened E-field emitter were to be used in *Van Heerden et al.*, it is still not evident that the antenna is to be brought into resonance with the working frequency by means of inductances because *Van Heerden et al.* is entirely silent as to the presence of inductances at any point.

In Applicant's textile material as recited in claim 1 as amended, the geometry of the inductances is configured to be compatible with an industrial production process usual for textiles, specifically by means of the industrial production process of weaving. In *Van Heerden et al.*, this characteristic is not present in any way because there are no inductances and thus *a fortiori* no special geometry that is compatible with an industrial production process of weaving that is usual for textiles.

Because of the complete absence of this characteristic,

moreover, it is respectfully submitted that *Van Heerden et al.* can provide no teaching or suggestion for configuring a corresponding geometry as recited in Applicant's claims.

In Applicant's textile material as recited in claim 1 as amended, the inductances are formed by meanders and the structure of these meanders are precisely described. The meanders are specifically formed exclusively of a continuous electrically conductive weft thread guided parallel to the warp threads at the selvedge over a distance that corresponds to the thickness of multiple weft threads between every pick.

There is no disclosure or suggestion in *Van Heerden et al.* of these features. Nothing is said in *Van Heerden et al.* about a conductive thread that forms an antenna being a weft thread or even a warp thread of the woven textile itself. *Van Heerden et al.* merely indicates that a conductive thread may be "interwoven," i.e. woven in with the fabric of a garment.

It is respectfully submitted, however, that the term "interwoven" that is used in *Van Heerden et al.* represents wishful thinking which cannot be implemented technically. A warp

or weft thread can never be inserted into an existing woven fabric afterwards. All that is possible is to work an additional thread into an existing woven fabric by means of interlacing or embroidery which does not correspond to the same industrial production process in which the woven carrier fabric is produced.

In any event, it is also not evident from *Van Heerden et al.* that the electrically conductive thread could be a weft thread that is guided in meander shape. The threads shown in the drawing of *Van Heerden et al.* are straight threads and thus it is not evident how a meander can be formed.

Furthermore, it is also not evident where in the article of clothing of *Van Heerden et al.* a selvedge is formed as recited in Applicant's claim 1 as amended in connection with guiding the conductive weft thread in the meander-shaped geometry.

Accordingly, it is respectfully submitted that *Van Heerden et al.* is entirely unsuitable for indicating any characteristics of claim 1 as amended to one skilled in the art .

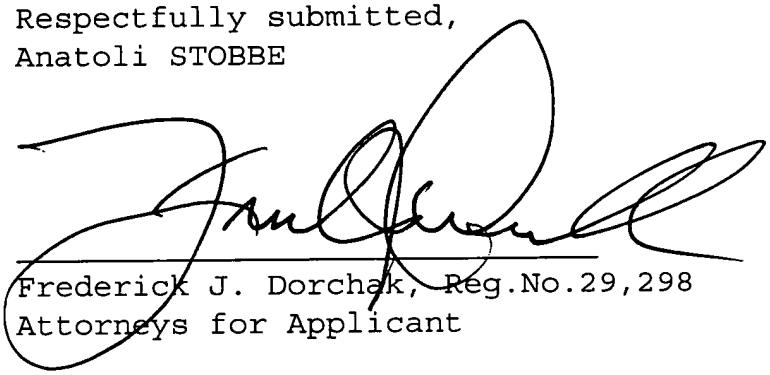
The secondary reference to *Rowson et al.* has been considered

but is believed to be no more relevant. *Rowson et al.* simply discloses a method for manufacturing a magnetic dipole antenna employing spacers glued to the metal of the magnetic dipole antenna using a UV curable adhesive. There is no disclosure or suggestion of a textile material including a mechanically shorted E-field radiator made to resonate with a working frequency in the UHF or microwave range by inductances, whose geometry is compatible with the industrial production process that is customary with textiles and wherein in the production process of weaving, inductances are made to meander, with such meandering being achieved by a continuous electrically conductive weft thread, which between each weft extends parallel to the warp threads along a distance on the respective selvedge corresponding to the thickness of several weft threads.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 4, 8 and 10-12 which depend directly or indirectly thereon, are patentable over the cited references to *Van Heerden et al.* and *Rowson et al.*

In summary, claims 1, 4, 8 and 11-12 have been amended and claims 2-3, 5-7 and 9 have been canceled. In view of the foregoing, it is respectfully submitted that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
Anatoli STOBBE



Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
516) 365-9802

FJD:cmm

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Date of Deposit: September 17, 2009

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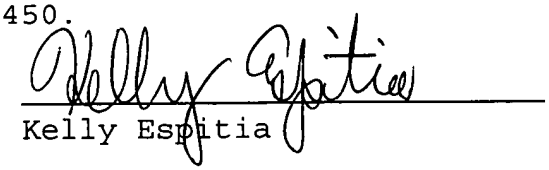

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